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PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bybee et al.

Serial No

10/627,415

Filed

July 25, 2003

Title

Two-Axis Robot for Specimen Transfer

Art Unit

3652

PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents Washington, D.C. 20231

This is a Petition under 37 CFR 1.47(a) to file an application where a joint inventor refuses to sign or cannot be reached. In this case, four of the six joint inventors have not responded to a request to sign a Declaration and assignment for the application. Since the request was received by the non-signing inventors, the absence of a response is presumed by the applicants to be a refusal to sign. The pertinent facts and proof are as follows.

On October 21, 2003 a letter was sent to Tom Bybee, Dave Murphy, Steve Wright and Sheri Kime, four of the joint inventors in the above-identified patent application, requesting that they each sign a declaration for the application, and an assignment of the application. Copies of the letters are attached hereto. All of the inventors were employees of LAB-InterLink, Inc. at the time of the invention, but the four non-signing inventors have since been terminated from their positions, prior to the preparation of the patent application identified above.

The letter to Mr. Bybee was delivered to Mr. Bybee on October 23, 2003, as indicated in the copy of the Return Receipt, attached to the copy of the letter.

The letters to Dave Murphy, Steve Wright and Sheri Kime were all delivered on October 22, 2003, as noted in the attached tracking notices for each of the letters. It is also noted in each letter that a failure to respond to the requests by October 31, 2003 would be presumed to indicate an unwillingness to sign. As of the date of this Petition, no response has been received from any of the four non-signing inventors.

The remaining joint inventors hereby petition the Patent Office to receive and prosecute the above patent application on behalf of the non-signing inventors, in accordance with the provisions of 37 CFR 1.47(a). This Petition is accompanied by the requisite fee of \$130.00 under 37 CFR 1.17(h). The addresses of the non-signing inventors are as follows:

Thomas L. Bybee 10285 Grand Ave. Omaha, NE 68134 Dave Murphy
Box 83
Goodwood, Ontario
Canada L0C 1A0

Sheri Kime 2000 Bensfort Road RR#6 Peterborough, Ontario Canada K9J 6X7

Steve Wright
159 Fife's Bay Road
Peterborough, Ontario
Canada K9J 6X2

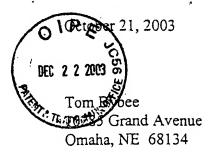
It is believed that the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

If any further information is required to expedite this process, please feel free to contact the undersigned.

Respectfully submitted,

George R. Nimmer Registration No. 21,004 Attorney of Record

PO Box 252 Omaha, NE 68101-0252 (402) 393-0151



Via Certified Mail

Dear Tom:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece. or on the front if space permits.
- 1. Article Addressed to:

TOM BYBEE 10285 GRAND AVE OMAHA, NE 68134

-	The second of th
	COMPLETE THIS SECTION ON DELIVERY
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L	X Detty Delice Agent
F	B. Received by Parted Name C. Date of Delive
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l	D. is delivery address different from Item 17. Yes If YES, enter delivery address below:
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Article Number (Transfer from service label)

0006 4584 335J 3150 2002

PS Form 3811, August 2001

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102595-02-M-15-

You have been identified as an original involution to the pending paterness rates or the victoriore, enclosed please find Declaration and Assignment documents for the following patent application(s):

- Specimen Carrier Transfer Apparatus for a Conveyor Track
- Transfer and Positioning Apparatus for Automated Conveyor System
- Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely

aria Russell Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com

Production Facility: 8950 | Street Omaha, Nebraska 68127 USA 402-331-2082 Fax: 402-331-2083

LAB-InterLink Canada: · 2015 Fisher Drive Peterborough, Ontario K9J 7A2 800-661-5229 705-876-1220 Fax: 705-876-1499

Lab-Interlink Europe: I, Halamish Street Hod Hasharon 45502 +972 9744 6926 Fax: +972 9744 6818



- 1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951

Dave Murphy Box 83 Goodwood, Ontario Canada LOC 1A0

r 21, 2003

Via Certified Mail

Dear Dave:

DEC -2 2 2003

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,
Maua Russell

Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com

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Status:

Delivered Praof of Delivery

Delivered on:

Oct 23, 2003 2:31 P.M.

Location: Delivered to: MC MAN 313 HWY 47 🔒

UXBRIDGE, CA L4A A

Shipped or Billed on:

Oct 21, 2003

Tracking Number: Reference Number(s): 1Z 3E4 73V 66 9270 246 4

3E473VTDJGY ♣

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Date	Time	Location	Activity
Oct 23, 2003	2:31 P.M. 7:41 A.M. 7:40 A.M.	CONCORD, ON, CA CONCORD, ON, CA CONCORD, ON, CA	DELIVERY OUT FOR DELIVERY ARRIVAL SCAN
Oct 22, 2003	11:59 P.M. 6:05 P.M.	CONCORD, ON, CA CONCORD, ON, CA	DEPARTURE SCAN P.O. BOX, NOT DELIVERED; ADDRESS CORRECTED, DELIVERY RESCHEDULED
	4:31 P.M. 5:13 A.M. 4:57 A.M. 3:33 A.M. 12:56 A.M. 12:30 A.M.	CONCORD, ON, CA MOUNT HOPE, ON, CA MOUNT HOPE, ON, CA LOUISVILLE, KY, US LOUISVILLE, KY, US LOUISVILLE, KY, US	NO SUCH STREET, NOT DELIVERED IMPORT SCAN ARRIVAL SCAN DEPARTURE SCAN EXPORT SCAN ARRIVAL SCAN
Oct 21, 2003	9:50 P.M. 8:49 P.M. 8:19 P.M. 7:53 P.M. 2:53 P.M. 10:52 A.M.	OMAHA, NE, US US	DEPARTURE SCAN ARRIVAL SCAN DEPARTURE SCAN ORIGIN SCAN PICKUP SCAN BILLING INFORMATION RECEIVED

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1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951

Steve Wright 159 Fife's Bay Road Peterborough, Ontario Canada K9J 6X2

21, 2003

Via Certified Mail

Dear Steve:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find an Assignment document for the following patent application(s):

• Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely.

Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com

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- → Help



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Status:

Delivered Proof of Delivery

Delivered on:

Oct 22, 2003 1:34 P.M.

Location: Delivered to:

FRONT DOOR 159 FIFES BAY ROAD

PETERBOROUGH, CA K9J #

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Oct 21, 2003

Tracking Number: Reference Number(s): 1Z 3E4 73V 66 9361 924 0

3E473VTKQ33 €

Service Type:

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Package Progress:

Date	Time	Location	Activity
Oct 22, 2003	1:34 P.M.	PETERBOROUGH, ON, CA	DELIVERY
	8:21 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
Oct 21, 2003	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:54 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:39 A.M.	US	BILLING INFORMATION RECEIVED

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Sheri Kime 2000 Bensfort Road RR#6 Peterborough, Ontario Canada K9J 6X7

21, 2003

Via Certified Mail

Dear Sheri:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

Two-Axis Robot for Specimen Transfer

Mussell

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,

Maria Russell

Director, Administration

LAB-InterLink, Inc.

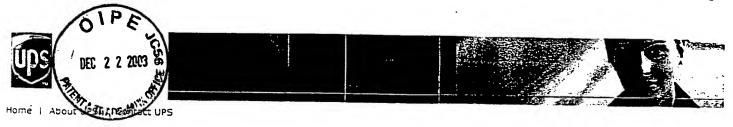
1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com



Tracking

- → Track by Tracking Number
- → Track by Reference Number
- → Import Tracking
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- → Get Quantum View Files â
- → Request Quantum View
- Notify → Void a Shipment â
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Status: Delivered on:

Delivered Proof of Delivery

Signed by:

Oct 22, 2003 12:49 P.M. KIME

Location:

RESIDENTIAL

Delivered to:

2000 BENSFORT ROAD PETERBOROUGH, CA K9J #

Shipped or Billed on:

Oct 21, 2003

Tracking Number:

1Z 3E4 73V 66 9350 805 7

Reference Number(s): 3E473VTK3MG ♣

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Oct 22, 2003	12:49 P.M. 8:21 A.M. 8:19 A.M. 6:50 A.M. 5:19 A.M. 4:57 A.M.	PETERBOROUGH, ON, CA CONCORD, ON, CA CONCORD, ON, CA MOUNT HOPE, ON, CA MOUNT HOPE, ON, CA MOUNT HOPE, ON, CA	DELIVERY OUT FOR DELIVERY ARRIVAL SCAN DEPARTURE SCAN IMPORT SCAN ARRIVAL SCAN
Oct 21, 2003	3:33 A.M. 12:56 A.M. 12:30 A.M. 9:50 P.M. 8:49 P.M. 8:19 P.M. 7:53 P.M. 2:53 P.M.	LOUISVILLE, KY, US LOUISVILLE, KY, US LOUISVILLE, KY, US OMAHA, NE, US US	DEPARTURE SCAN EXPORT SCAN ARRIVAL SCAN DEPARTURE SCAN ARRIVAL SCAN DEPARTURE SCAN ORIGIN SCAN PICKUP SCAN BILLING INFORMATION RECEIVED

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